



2. Defendant is a corporation named Jason's Deli organized under the laws of the State of Texas and doing business in the State of Texas in the Southern District of Texas, including business at a location in Harris county, State of Texas.

3. Place of the employment;-

Name: Jason's Deli

Address: 901 McKinney St.

State and Zip Code: Houston, Texas 77002.

Telephone Number:(713) 650 1500

#### **JURISDICTION AND VENUE**

4. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337, 1343 AN 1345. This action is authorized and instituted pursuant to sections 706(f)(1) and (3) of the Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C §§ 2000e-5 and (3) ("Title VII) and section 102 of the Civil Rights Act of 1991, 42 U.S.C. § 1981a.

5. The alleged unlawful employment practice were committed within the jurisdiction of the United States District Court of Southern District of Texas.

#### **NATURE OF THE ACTION**

This is an action under Title VII of the Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of gender, sexual and/or retaliation, and to provide appropriate relief to Milton Zaid



Arrendondo who is adversely affected by such unlawful practices. As alleged with greater specificity in paragraphs below, Milton Zaid Arrendondo ("Plaintiff") alleges that Jason's Deli, discriminated against him, and further claims that Defendant retaliated against the plaintiff.

### **STATEMENT OF CLAIMS**

6. The plaintiff Milton Zaid Arrendondo was sexually harassed at his place of employment Jason's Deli by another employee named Comeletia Lewis, a catering assistant.
7. In August of 2016 Comeletia Lewis slapped the plaintiff on his butt very hard while plaintiff was talking to a co-worker at the front make line.
8. September 2016, Comeletia Lewis, slapped the plaintiff again on the butt while the plaintiff was bending down setting up merchandise.
9. In October 2016, the plaintiff was having lunch with a co-worker when Comeletia Lewis approached the both and leaned her hips on the plaintiff left shoulder.
10. Each of the above referenced incidents was unwelcomed by the plaintiff. The plaintiff did not solicit or incite the conduct of Comeletia Lewis. The plaintiff regarded the conduct as undesirable and offensive. Conduct is unwelcome if the employee did not solicit or incite it and if the employee regarded the conduct as undesirable or offensive. See *Burnes v. McGregor. Electronic Industries, Inc.*, 989 F.2d 959, 962 (8th Cir. 1993).



11. The plaintiff reported the 3 incidents to manager Christina Pepera.
12. Manager Christina Pepera did not investigate the incidents.
13. Plaintiff contacted Networking (employee advocate) and was advised they did not have a complaint filed on his behalf.
14. Plaintiff contacted Jason Deli Human Resource and was advised HR did not have a complaint filed on his behalf.
15. In December 2016 Jason's Deli Human Resources came to the location and interviewed employees. The manager, Christina Pepera, was present and sat in on every employee interview creating a hostile environment to intimidate the potential witnesses.
16. On January 3, 2017, manager Christina Pepera advised that Comeletia Lewis was transferred to another store and the case was closed.
17. Plaintiff filed a claim before the U.S. Equal Employment Opportunity Commission. The EEOC issued a Dismissal and Notice of Right to sue letter. The letter indicate that Mr. Arredondo (Plaintiff) has 90 days from receipt of that notice in which to file a lawsuit in federal district court. Arredondo received EEOC right-to-sue letter postmarked April 7, 2017, received on April 10, 2017. In hence, Mr. Arredondo is filing this complaint within the time established in the letter issued from U.S. Equal Employment Opportunity Commission
18. The defendant Jason's Deli failed to take the plaintiff complaint in a prudent and ordinary way, no with the seriousness required. The fact indicate that the plaintiff is he is a male employee complaining of the unwelcomed



touching of a female employee. Perhaps of the unwelcome conduct, there was gender discrimination due to the fact that the defendant did not give the required attention because the claim was issue for unwelcome touching from a woman to a man.

19. On June 9, 2017 Manager Christina Pepera retaliated against the plaintiff by filing a disciplinary action report alleging the plaintiff had made negative comment regarding co-worker ethnic background with the threat if the behavior continues it could lead to plaintiff termination.

20. The effect of these practices has created an abusive working environment for the plaintiff in violation of Title VII Civil Rights Act of 1964 and Title I of the Civil Rights Act of 1991.

21. The conduct in question is severe or pervasive enough to be covered by the law

22. The conduct was not welcome

23. A reasonable person in the employee's situation would have found it objectionable

24. The employer is responsible.

#### **PRAYER FOR RELIEF**

Wherefore, Milton Zaid Arredondo respectfully request that this Court:

A. Grant a permanent injunction enjoining the Defendant, their officers, successors, assigns, and all persons in active concert or participation with

them, from engaging in employment practices which discriminate on the basis of the gender, sexual and/ or retaliation.

- B. Order Defendant to institute and carry out policies, practices, and programs which provide equal employment opportunities for employees and which eradicate the effects of Defendants' past and present unlawful employment practices.
- C. Order Defendant to provide compensation for the past and future pecuniary losses resulting from the unlawful employment practices described above, in amounts to be determined at trial.
- D. Order Defendant to compensate for past and future non-pecuniary losses resulting from the unlawful practices complained of above, including pain, suffering and humiliation, in amounts to be determined at trial.
- E. Order Defendant to pay for punitive damages for Defendants' malicious and reckless conduct in amounts to be determined at trial.
- F. Grant such further relief as the Court deems necessary and proper in the public interest.
- G. Award the plaintiff its cost of this action

#### **JURY DEMAND**

The plaintiff request a jury trial on all questions of facts raised by its complaint.

#### **CERTIFICATION AND CLOSING**



Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint; (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

Respectfully submitted



---

**WILLIAM E. JONES JR.**  
**Attorney for Plaintiff**  
**FED.Bar #31200**  
**weverettjonesjr@yahoo.com**  
**4151 Southwest Frwy. Suite 320**  
**Houston, Texas 77027**  
**TEL (713) 850-1908**  
**FAX (713) 850-1905**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of July, 2017, I will electronically file the foregoing with the Clerk of the Court using CM/ECF system. And I hereby certify that I will mail the document by U.S. mail to the following:

*Via First Class Certified R/R mail:*

**JASON'S DELI**  
**CHRISTINA PEPERA**  
901 McKinney St  
Houston, Texas 77002  
*Defendants*

\_\_\_\_\_/s/\_\_\_\_\_  
**WILLIAM E. JONES JR.**  
**Attorney for Plaintiff**  
**FED.Bar #31200**  
**weverettjonesjr@yahoo.com**  
**4151 Southwest Frwy. Suite 320**  
**Houston, Texas 77027**  
**TEL (713) 850-1908**  
**FAX (713) 850-1905**